

5 Death of a Princess

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INTRODUCTION

On 7 January 2015, during a meeting of the editors of the French satirical magazine *Charlie Hebdo*, two theoterrorists, Saïd and Chérif Kouachi, broke into the *Charlie Hebdo* office and killed those who were present: Charb, Cabu, Wolinski, Tignous, Honoré, Esla Cayat, Mustapha Qurrad, Bernard Maris, Michel Renaud, Frédéric Bousseau, Frack Brinsolaro and Ahmed Merabet.¹ The assault on *Charlie Hebdo* ignited a worldwide discussion on the meaning and significance of free speech, and in particular on the question of whether this principle is adequately protected in European nation states.

On 11 January four million protesters raised their voices against the atrocities that had befallen Paris. Forty-three heads of state were present during the demonstration (which is, as Bernard-Henri Lévy astutely remarked, one quarter of the United Nations).²

The attack on *Charlie Hebdo* was not the first of its kind. The French terrorist assault resembles the murder of the Dutch filmmaker Theo van Gogh in 2004,³ but it also resembles the terrorist intimidation of the Danish

* For preliminary research on this matter we are greatly indebted to Maurits Helmich, Henk Suèr and Prof. Mr. E.C.M. Jurgens.

1 Jacques Attali et al., *Nous sommes Charlie: 60 Écrivains unis pour la liberté d'expression* (Paris: Les Livre de Poche, 2015), 9.

2 Bernard-Henri Lévy, "Ce qui restera du janvier", in *ibid.*, 91–96.

3 Paul Cliteur, "Godslastering en zelfcensuur na de moord op Theo van Gogh", in *Nederlands Juristenblad* 45 (2004), 17 December 2004, 2328–2335.

cartoonist Kurt Westergaard⁴ and the British author Salman Rushdie.⁵ It seems that conservative Islamist regimes and movements have great difficulty with free speech, especially when it comes to religious satire. Islamist terrorist movements do not agree with John Milton's famous words: "let truth and falsehood grapple."⁶ They prefer to cut the grappling short by terminating the discussion with a Kalashnikov.

In this chapter we want to go back in time and reflect on one of the earliest manifestations of this conflict between religious fundamentalism and free speech, namely the airing of the film *Death of a Princess* (1980), a dramatised documentary about the execution of a Saudi princess who was accused of adultery. This was one of the first large-scale attempts to stifle freedom of speech in European nation states on the ground that the contents of the film would be offensive to religious believers. But the "religious factor" is not all that interests us in this chapter; we will also study the way in which theocratic dictatorships try to exert pressure on liberal democracies. In the case of *Death of a Princess* these were not the terrorist techniques that would become common in later years (namely, intimidating writers with violence), but strategies such as threatening to institute economic boycotts and other measures. Nevertheless, the similarities between the pressure exerted in *Death of a Princess* and later events like the Cartoon Affair, the Rushdie Affair⁷ and the assault on *Charlie Hebdo* are sufficiently striking to justify a comparison.

The controversy around the *Death of a Princess* film raises many questions. Do the examples cited show a common pattern? Is it likely that we will see more of these confrontations in our time? And if so, how should liberal democracies react to this challenge? Are they up to this confrontation? Or is it

4 Kurt Westergaard, and John Lykkegaard, *Kurt Westergaard: The Man behind the Mohammed Cartoon* (Tilsit: Mine Erindringer, 2012).

5 Salman Rushdie, *Joseph Anton: A Memoir* (London: Jonathan Cape, 2012); Brian Winston, *The Rushdie Fatwa and After* (Palgrave Macmillan, 2014).

6 "Though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously, by licensing and prohibiting, to misdoubt her strength. Let her and falsehood grapple; who ever knew Truth put to the worse in a free and open encounter?" See John Milton, *Areopagitica* (1644), in: John Milton, *Complete Poems and Major Prose* (ed. with notes and introduction by Merritt Y. Hughes, Indianapolis: Hackett Publishing Company, 2003 (1957)), 746.

7 Paul Cliteur, "Van Rushdie tot Jones: over geweld en uitingsvrijheid", in Afshin Ellian, Gelijs Molier and Tom Zwart (eds), *Mag ik dit zeggen? Beschouwingen over de vrijheid van meningsuiting* (The Hague: Boom Juridische Uitgevers, 2011), 67-89.

more likely that, in a new world with open borders and unprecedented digital opportunities to take messages all over the globe, freedom of expression has to be recalibrated? Is there perhaps something to say for whittling down free speech out of respect for cultural differences?

Western democracies seem deeply divided on this issue.⁸ On the one hand there are those who proclaim that a lack of solidarity with the cartoonists of *Charlie Hebdo* is a sort of “Munich of the mind” (*Munich de la pensée*) that will only lead us deeper into the quagmire.⁹ On the other hand there are those who think that compromise in this matter is the only thing that can help us in this new predicament.¹⁰

In Western liberal democracies the idea is often heard that the Saudi monarchy will change its ways in the foreseeable future. Is that really what we should expect? Or is it more likely that the increasing interdependence of nation states will cause Saudi Arabian standards to become more common in Europe and in the rest of the Western world than was the case in previous decades?

We will also address the moral legitimacy of the sort of criticism the film seems to attract. Is it fair to criticise the Saudi government for its handling of this cultural conflict? Should we not see the matter more “in context”?¹¹

In this chapter we will highlight the particulars of this largely forgotten story of the Saudi princess and assess the relevance of that event for the contemporary debate about the threat that terrorism poses to the culture of freedom, and in particular to one of its most remarkable manifestations: the principle of freedom of expression.

- 8 See, e.g., Kevin Barrett (ed.), *We are not Charlie Hebdo! Free thinkers question the French 9/11*, (Lone Rock: Sifting and Winnowing Books, 2015), comprising a series of articles all critical about the French attitude towards civil liberties and religious criticism. For a splendid defence of *Charlie Hebdo* see Caroline Fourest, *Eloge du blasphème* (Paris: Bernard Grasset, 2015); Philippe Val, *Malaise dans l'inculture* (Paris: Bernard Grasset, 2015).
- 9 Philippe Claudel, “Je suis Charlie mais un peu tard”, in Jacques Attali et al., *Nous sommes Charlie: 60 Écrivains unis pour la liberté d'expression* (Paris: Les Livres de Poche, 2015), 32–35.
- 10 This is, e.g., the position of the Dutch–American journalist Ian Buruma: see Ian Buruma, “Charlie and Theo”, in *Project Syndicate: the World's Opinion Page*, 15 January 2015.
- 11 This was one of the most trenchant critiques by the famous literary scholar Edward Said: see Edward W. Said, *Covering Islam: How the Media and the Experts determine how we see the Rest of the World* (London: Vintage, 1997).

WHAT THE FILM WAS ABOUT

Death of a Princess is a documentary based on the true story of Princess Masha'il Bint Fahd Al Saud (1958–1977), a 19-year-old Saudi Princess who was, together with her lover, publicly executed for adultery, which was (and is) a capital offence in Saudi Arabia. She was the granddaughter of Prince Mohammed bin Abdulaziz (1910–1988), an elder brother of the Saudi king Khalid bin Abdulaziz Al Saud (1913–1982). She was executed, together with her boyfriend, at the instigation of her own grandfather. Since it is unclear whether there was a fair trial (by Saudi standards),¹² her death may also be construed as an “honour killing,” one that took place in the most prestigious of circles.

The film is based on interviews by Antony Thomas (b. 1940). Initially, Thomas wanted to make a documentary, but he soon realised that this was impossible due to the fact that most interviewees required to remain anonymous. So he decided to make a fictionalised version, or rather a “film on the film” he had wanted to make. The characters in the film are played by actors, not by the real people who provided input and information for the original film.

Thomas himself is played by the actor Paul Freeman (b. 1943), who in the film goes under the name of Christopher Ryder. Another important character in the film is Elsa Gruber (played by Judy Parfitt), whose character is based on Rosemarie Buschow, a German teacher who worked for the royal family and who wrote a book about her experiences.¹³

Not only do the characters in the film remain anonymous, but the name of the princess, whose death is the focus of the whole drama, is also not mentioned. There is only one photograph of the princess, allegedly taken a day before her execution. Little is known about her. She has been more or less filtered out of history, like Stalin did with Trotsky.

What interests us here is primarily the discussion that ignited when the film was launched, or rather the lack of a serious moral analysis of what had

12 Thomas White and Gladys Ganley, “The ‘Death of a Princess’ Controversy”, Program on Information Resources Policy (Cambridge, Mass.: Center for Information Research, Harvard University, 1983),

9. In Saudi Arabia, someone can be convicted of adultery after accusations from four different witnesses or when he/she confesses four times. See Jeffrey K. Walker, “The Rights of the Accused in Saudi Criminal Procedure”, in *Loyola of Los Angeles International and Comparative Law Journal* 15 (1992–1993) 863, at 876–877.

13 Rosemarie Buschow, *The Prince & I* (London: Futura Publications Limited, 1979).

happened: the execution of a young couple for no other reason than that they loved each other. The film was aired in England on 9 January 1980; in the Netherlands on 16 April 1980; in the United States on 12 June 1980; and in Israel on 12 June 1980. When the film was aired in England, much discussion arose immediately.¹⁴ The same pattern occurred in the United States. Major Anglo-American oil company Mobil Oil tried to exert pressure in order to oppose further distribution “in the light of what is in the best interest of the United States,”¹⁵ and the Secretary of State seemed to voice concern about whether PBS (Public Broadcasting Service, an American non-commercial broadcaster) was to broadcast the film. It seems that commercial interests are more important than criticising practices that are opposed to fundamental values.

A PREVIEW OF CONTEMPORARY DEBATES

Many of the debates on the role of religious fundamentalism, so familiar to us since 9/11 2001, the murder of Theo van Gogh on 2 November 2004 and the attack on *Charlie Hebdo* on 7 January 2015, are foreshadowed in *Death of a Princess*. The film provides an excellent introduction to the discussion on this topic. In the film, Samira says about the Saudi ruling class: “These people pervert Islam. They use Islam. They scare people to death with their barbarous, illegal punishments.” We quote this passage because this is basically what we also hear from President Obama and former Prime Minister David Cameron nowadays in similar discussions. Those statements are based on the presumption that religion, in its most basic nature, is good. And if there is something bad seemingly connected with religion, this is apparently *not* religious.¹⁶ Based on this concept of religion, Samira can say about Saudi Arabia: “This isn’t a Muslim country.”

14 See on this Aart Brouwer and Margreet Fogteloo, “Het imago van Nederland geschaad?”, in *De Groene Amsterdammer*, 24 March 2010.

15 See Mobil’s advertisement in the *New York Times*: “A new fairy tale”, in *New York Times*, 8 May 1980, A35. In the advertisement Mobil expresses the “hope that the management of the Public Broadcasting Service will review its decision to run this film.”

16 See for a more elaborate explanation of this view Paul Cliteur, “Is Humanism Too Optimistic? An Analysis of Religion as Religion”, in Andrew Copson and A.C. Grayling (eds), *The Wiley Blackwell Handbook of Humanism* (Chichester: Wiley Blackwell, 2015), 374–403.

In other words, the execution of the princess has nothing to do with Islam, according to Samira. But she goes further. She also asserts that the people who killed the princess are “no Muslims,” at least that seems to be implied in Samira’s statement that Saudi Arabia is not a Muslim country.

In the film we also see how Antony Thomas is first introduced to the story. There was a British guest worker who was hired to perform some construction work.¹⁷ He was brought in because the Saudis are so tremendously rich that hardly anyone has to work there. The construction worker, “Steven Jackson,” was informed that there was an execution pending. So he mixed with the locals and followed the stream. Subsequently, he witnessed the execution of someone who later turned out to be the princess and comments: “It’s funny, isn’t it, straight out of church and off to see a bloke get chopped.” Jackson also gives some sober cultural relativist commentary. In their eyes, he explains, what the Saudi princess has done is just as serious as murder. “It’s against their laws, you know. They’re dead set in their ways.”

CENTURIES BEHIND

Ryder gets a similar comment from Elsa Gruber (the character based on the “real” nanny Buschow),¹⁸ who says: “Why do you keep picking on those people? Their only crime is that they are living centuries behind us. They have different things, and we have different things.”

¹⁷ This is still common practice, as appears in a recent row about this topic. The Dutch politician Geert Wilders criticised Saudi Arabia for its human rights record. Subsequently the Dutch government glossed over the situation and called upon Wilders to remain calm, once again because of economic interests. Someone teaching “international relations” at the King Fahd University in Dhahran in Saudi Arabia, Tiest Sondaal, criticised the politician because of his critical statements on the Saudi Kingdom: see Tiest Sondaal, “Wilders zet mijn werkvisum in Saoedi-Arabië op het spel”, in *De Volkskrant*, 20 May 2014. Sondaal knows that Saudi Arabia is not a democracy “in our eyes,” but he does mention efforts made to reform the country. He also speaks of “a dialogue” that is being held on this topic. Due to the criticism of Saudi Arabia he could possibly lose his “work visa,” Sondaal complains, and this could be awkward for an exporting country like the Netherlands. Minister Timmermans and Deputy Prime Minister Asscher firmly rejected Wilders’s criticism of Saudi Arabia (see “Kabinet hekelte anti-islamactie”, NOS, 19 December 2013). So even without the cabinet taking any position on the matter, Saudi Arabia threatened to boycott Dutch companies. (“Saoedische boycot van Nederlandse bedrijven valt mee”, ANP, 25 July 2014).

¹⁸ See on her Emily Hahn, “A Nanny in Arabia”, in the *New York Times*, 8 February 1981.

What makes this argument intriguing is the curious combination of cultural relativism and universalism.¹⁹ On the one hand, Gruber rejects Ryder's moralistic comment on the execution of the Princess and her lover. On the other hand, she makes the observation that Saudi Arabia is "behind us." That last judgement presupposes a standard, a yardstick to measure progress. In other words, Gruber cannot be a *consistent* relativist. The dominant tenor, though, seems to be relativistic: "When in Rome, do as the Romans do."

According to the cultural relativist, there are no universal values, such as the United Nations proclaimed to have found and enshrined in the Universal Declaration of Human Rights (1948).²⁰ Who are we to criticise *their* values? The only valid yardstick we can use to judge values is a measure derived from the culture itself, never an external yardstick.²¹ After all, Saudi Arabia promised to guarantee human rights and fundamental freedoms as a United Nations member.²² It is clear that it based those promises on different standards and values from Western countries. If you want to criticise beheading as a punishment for blasphemy, you do not refer to the amendment to the American constitution that prohibits "cruel and unusual punishment," but you consult the Quran and see if you find anything there about "mercy" and "justice."²³ This approach was already perfectly internalised by the mother of Israeli-American journalist Steven Sotloff (1983–2014). Sotloff was beheaded by IS around 2 September 2014 in the Syrian desert. On 27 August 2014, Sotloff's mother issued a video message begging the

- 19 Universalism is the view "that moral rules apply to *everyone*, regardless of time and space." See Dan Greenberg, and Thomas H. Tobiason, "The New Legal Puritanism of Catharine MacKinnon", in *Ohio State Law Journal*, 54 (1993) 1275, at 1421.
- 20 Michael Freeman, "Universality, Diversity and Difference: Culture and Human Rights", in Michael Freeman, *Human Rights: An Interdisciplinary Approach* (Cambridge: Polity, 2003), 101–131; P.R. Baehr, "Hoe universeel zijn mensenrechten", in *Civis Mundi*, Universaliteit van mensenrechten, 32 (1993) 47.
- 21 Martin Gardner, "Beyond Cultural Relativism", in Martin Gardner, *The Night is Large*. Collected Essays 1938–1995 (London: Penguin Books, 1996), 149–161.
- 22 Mary Carter Duncan, "Playing by their Rules: the Death Penalty and Foreigners in Saudi Arabia", in *Georgia Journal of International & Comparative Law* 27 (1998–1999) 231, at 240.
- 23 As Brian Whitaker writes: "For the vast majority of Muslims worldwide – not only extremists or conservatives, but also those who consider themselves moderate or progressive – determining whether a particular practice is acceptable hinges on deciding whether or not it is legitimately 'Islamic': see Brian Whitaker, "Mutual Friends: Secularism and Islam", in *The Guardian*, 14 April 2009.

“caliph” to spare her son. The mother refers to the Islamic tradition and to the Quran. Apparently she realises that appealing to common decency will not impress the new ruler. Now this is what may be called “cultural relativist discourse.” In this discourse it is often expected that Western countries are tolerant towards non-Western traditions. What is not expected is reciprocity. In the case of *Death of a Princess*, instead of disapproving and rejecting the execution of the princess in accordance with Saudi law, the discussion that ignited in Western countries was about whether or not the film should be screened, all for the sake of economic relations. Instead of proclaiming that Saudi Arabia should respect several universal rights (freedom of speech, but also the right to life), Western governments detracted from their own principles and fundamental human rights. They did so in the first place by neglecting to uphold the right to freedom of speech and in the second place by not condemning what had happened to the princess, which ought to be considered a violation of human rights.

Gruber does the same. But her cultural relativist discourse is contradictorily followed by her statement that “they are centuries behind,” using exactly the kind of external yardstick mentioned above. Does this explain why we do not expect mutual tolerance from non-Western traditions? How could you possibly expect a culture to be tolerant towards other cultures when the first is considered to be “centuries behind”?

TOUGH LAWS HAVE THEIR ADVANTAGES

Although the film was presented in the Arab world as insultingly negative about Arab culture, there are many characters in the film who defend Arab culture instead. That is the case with Ms. Quataajy, a lady who runs a beauty parlour. She combines some traditionalistic ideas with modernist convictions. She also thinks the princess had brought it all on herself. Should she not have known what would befall her?

This is an argument we have heard time and again about Rushdie, Westergaard, the Parisian cartoonists, Lars Vilks and many others who incurred the wrath of the Islamic theoterrorists.²⁴ We also heard it after

24 As Roald Dahl said about Rushdie: “He knew exactly what he was doing and cannot plead otherwise.” Quoted in Ibn Warraq, *Virgins? What Virgins? And Other Essays* (Amherst, NY: Prometheus Books, 2010), 32.

the killing of Theo van Gogh. He knew what he was doing, did he not?²⁵ Note that there is a distinction between those cases and the death of the Saudi princess. She knew the penalty that was imposed for adultery, so she indeed literally knew what would befall her, whereas the acts of Rushdie, Westergaard and Vilks are completely legal in their countries of residence. However, the fact that the princess knew the consequences of her deed does not justify the inhumanly severe penalty that she and her lover suffered for the simple fact of loving each other.

This blaming the victim vision is, in fact, similar to the argument Mobil Oil used in trying to persuade the American Public Broadcasting Service to cancel the airing of *Death of a Princess*: “We all know that in the U.S., our Constitution guarantees a free and unfettered press. However, implicit in that guarantee is the obligation on the part of the press to be responsible.”²⁶

Responsible, yes. But what is “irresponsible” about highlighting the cruel death of a young woman who did nothing but choose to live her own life? Is it not a moral imperative for all of us, including Mobil Oil, to voice protest against the atrocious acts that are portrayed in *Death of a Princess*? There is, of course, the commercial liberty to trade with countries that are not democracies, countries that do not subscribe to exactly the same principles as Western liberal nation-states. But that does not mean that Mobil Oil does not have any “responsibility” to call a spade a spade when it comes to gross violations of human rights and the infringement of the principles for which countless generations of political philosophers²⁷ and social activists have fought.²⁸

25 See for an analysis of this Theodor Holman, *Theo is dood* (foreword by Gijs van de Westelaken, Amsterdam: Mets en Schilt, 2006); Max Pam, *Het bijenspoek: over dier, mens en god* (Amsterdam: Prometheus, 2009). Exponents of the claim that Van Gogh had brought the violence on himself (comparable to the insinuations by Brandpunt on Vilks) are Geert Mak in his *Gedoeemd tot kwetsbaarheid* (Amsterdam/Antwerp: Uitgeverij Atlas, 2005) and Ian Buruma in *Murder in Amsterdam: The Death of Theo van Gogh and the Limits of Tolerance* (New York: Penguin, 2006).

26 Mobil’s advertisement in the *New York Times*: “A new fairy tale”, in *New York Times*, 8 May 1980, A35.

27 Spinoza, Locke, Voltaire, Diderot, Mill, Clifford, Russell and others.

28 Such as the feminist scholar Susan Moller Okin (1946–2003): see Susan Moller Okin, “Feminism and Multiculturalism: Some Tensions”, in *Ethics*, July 1998 (108), 661; Susan Moller Okin, *Is Multiculturalism Bad for Women?*, ed. Joshua Cohen, Matthew Howard and Martha Nussbaum, Princeton, NJ: Princeton University Press, 1999); Susan Moller Okin, *Women in Western Political Thought* (introduction by Debra Satz, Princeton, NJ/Oxford: Princeton University Press, 1979).

One of the mysteries of this topic is that not only the representatives of corporations but also journalists are pestering actual or potential victims of theoterrorist violence with the question whether they did not bring all this on themselves.

A case in point was an episode of the Dutch TV programme *Brandpunt* (“focal point”) about the Swedish artist Lars Vilks, broadcast on 10 March 2015. The title that was chosen for the episode was *Een bewegend doelwit* (“a moving target”).²⁹ But sometimes the network adopts a different title for it: *De verantwoordelijkheid van Lars Vilks* (“The responsibility of Lars Vilks”). Both the Dutch programme’s titles give us some information about its content.

The “moving target” refers to the fact that the Swedish artist Lars Vilks, ever since he was chosen as a target by Al Qaida in 2007, has to constantly “be on the move.” As the artist explains in the documentary, a “moving target” is difficult to hit, so from a security perspective moving around is very effective. From a human perspective, though, this implies that he has hardly any life left. He cannot use his studio, for instance. This is an enormous nuisance for the artist.

The second title refers to the opinion not of the artist himself but of the interviewer, Frenk van der Linden. It speaks of the “responsibility” of the artist. The idea is—and Van der Linden had the nerve to ask this openly—whether the artist was not personally responsible for this predicament. He asked if it was worth it, apparently referring to the precarious situation the artist found himself in.

Another insinuating but totally vacuous question by the interviewer was whether Vilks’s cartoons “had made the world safer.” The implication was, apparently, that art had to make the world safer.

Vilks answered all the questions diligently and without losing his temper. Nevertheless, the end of the “interview” was hugely embarrassing. Vilks left in his car for an unknown destination with people from the security service, and Van der Linden went back to his own country, the Netherlands, after having asked his questions of a man marked for death by theoterrorists, desperately trying to uphold the artistic freedom to create the kind of art he wants to create, even if that displeases theoterrorist murderers. Would Van der Linden also have dared to ask the victims in the Parisian Jewish

29 Available at: http://www.npo.nl/brandpunt/10-03-2015/KN_1667660/WO_KRO_809058 (accessed at 24 August 2016).

supermarket whether “being Jewish” was not a “provocation” for the terrorists?³⁰

But let us return to *Death of a Princess*. Ms. Quataajy combines her comment with some nationalistic remarks about Saudi Arabia. “We are strict here, not like your country, where burglars can come into your home and kill you and rob you and get the lightest punishment, where you can’t walk in the street for fear of rape. We’re safe here.”

It is an interesting point. It may be a fallacy, but it is still interesting. Ms. Quataajy wants us to believe that if you act ruthlessly against burglars and rapists this will have a positive effect on the crime rate. And she makes it seem as if accepting execution for adultery is a necessity for an adequate policy to discourage burglary and rape. But, we may reply, the execution of the princess was about *love* and had nothing to do with burglary or rape. The “sins” of the princess were only that she loved another man and planned to decide what to do with her life. The film does not criticise Saudi Arabia in general, or the penal sanctions on burglary and rape in relation to Western standards. What the film comments on is:

- Cruel and unusual punishment
- Punishing a person for something that may be considered a basic human right (namely free choice of your partner)
- Forced marriage
- The rights of women in general

One of the most astonishing features of the whole discussion about the film is that hardly anyone addressed the issues mentioned above. It may be strange, if not unbelievable, to say this, but the discussion *about* the film did not reflect the issues addressed *in the film*. When Sheik Mohammed Al Zamel (as he was called in the film) was asked to express his view on the execution, he answered: “That’s our law. We don’t turn a blind eye to certain excesses of our royal family, as others do, but we are nevertheless human. Can you imagine the prince’s distress? Not only the death of his favourite granddaughter, but the vilest publicity.”

Many claims are made in this short commentary. First he offers the argument that this is their law. As a point of factual comment, this cannot be

30 Amedy Coulibaly (1982–2015) was the hostage-taker and gunman in the Porte Vincennes hostage crisis in the Jewish supermarket in which he killed four hostages. He was a close friend of Saïd and Chérif Kouachi, the gunmen in the *Charlie Hebdo* shooting. He synchronised his attacks with the Kouachi brothers.

denied. But laws can be evil laws, can they not? The sheik further elaborates on this with the contention that they do not turn a blind eye to their royal family's excesses. Apparently, the message he tries to get across is that even the royal family can be criticised, which is certainly not true (at least not in the sense that one can do this unpunished). And instead of debunking the harmful honour code of the patriarchal Saudi society, he solicits some sort of pity we are supposed to feel for *the prince*. It is not the princess, who was beheaded, who deserves our concern, but the prince whose pride was hurt. Or the royal family because of the "vilest publicity" they were subjected to.

There even seems to be a hint of equal protection before the law in the quotation, because he seems to insinuate that even princesses are punished if they violate the law (like ordinary humans). Apparently even in Saudi Arabia they have a rule of law and not of men.³¹ The truth is that the Al-Saud family is so powerful that it decides whether to apply or disregard the law.³²

THERE IS NO LINK WITH ISLAM

One of the most precarious questions is, of course: "What does this have to do with Islam?" Is the execution of the princess and her lover somehow mandated by Islam?³³

This is the central question scholars, politicians and believers themselves have been struggling with from the moment radical manifestations of religion presented themselves on the world scene.

31 One tends to forget that the "rule of law" has importance only when the "law" has a moral quality. See on this Lon L. Fuller, *The Morality of Law* (revised edn, New Haven, CT/London: Yale University Press, 1978 (1964)). So it is dubious whether the execution of the princess can ever be based on "law" in the sense Fuller delineates that concept.

32 An extremely critical view of Saudi Arabia is Laurent Murawiec, *Princes of Darkness: The Saudi Assault on the West* (trans. George Holloch from the French, Lanham: Rowman & Littlefield Publishers, 2005). Less critical (but with much information) is Karen Elliott House, *On Saudi Arabia: Its People, Past, Religion, Fault Lines – and Future* (New York: Vintage Books, Random House, 2013).

33 A more general debate on religion and violence is Rudyard Griffiths (ed.), *Hitchens vs. Blair: Be it resolved Religion is a Force for Good in the World*, The Munk Debate on Religion, 26 November 2010 (Toronto: Anansi, 2011). Whether Islam is a religion of peace or not is discussed in John Donvan (moderator), "Islam is a religion of peace", A debate between Zeba Khan and Maajid Nawaz against Ayaan Hirsi Ali and Douglas Murray, in *Intelligence Squared U.S.*, 6 October, 2010.

But at the same time, it is one of the great taboos, and not many scholars dare to discuss this topic freely, at least not with the contention that indeed *there* is a connection between religion and violence. There are two basic stances we can take here.

Stance I: theoterrorism has nothing to do with Islam as a religion. Stance II: it has everything to do with Islam.³⁴

When we compare *Death of a Princess* with other recent controversial films about Islamic tenets, like *Submission* (2004),³⁵ *An interview with Mohammed* (2008),³⁶ *Fitna* (2008),³⁷ and *Innocence of Muslims* (2012),³⁸ there is a remarkable difference in the sense that nowhere in *Death of a Princess* is Islam somehow held responsible for the execution. It is mainly Arab culture, or Arab culture as interpreted by those in power, that is held responsible.

34 This is what Islam scholar Robert Spencer has argued for in Robert Spencer, *The Politically Incorrect Guide to Islam and the Crusades* (Washington, DC: Regnery Publishing, Inc., 2005). See for a similar point of view Anne-Marie Delcambre, *L'Islam des Interdits* (Paris: Desclée de Brouwer, 2003); Anne-Marie Delcambre, *L'Islam* (Paris: La Découverte, 2004); Anne-Marie Delcambre, *La Schizophrénie de l'Islam* (Paris: Desclée de Brouwer, 2006); Anne-Marie Delcambre, *Mahomet: La parole d'Allah* (Paris: Éditions Gallimard, 2009).

35 A film by Theo van Gogh († 2004) and Ayaan Hirsi Ali. In almost all accounts of the death of Van Gogh, this film is identified as the reason Mohammed Bouyeri decided to kill him. The murderer himself has always denied this. See on the film Ayaan Hirsi Ali, *Submission*. “Zomergasten” programme of 29 August 2004; Betsy Udink (Amsterdam: Uitgeverij Augustus, 2004).

36 Ehsan Jami is the author of *Het recht om ex-moslim te zijn* (Amsterdam: Ten Have, 2007), but he also made a film: “An Interview With Muhammed,” posted on the internet on 9 December 2008. The Ministry of Foreign Affairs issued a declaration on this film: “Verklaring van de Nederlandse regering inzake de film van Jami”, Ministerie van Buitenlandse Zaken, 9 December 2008, www.minbuza.nl.

37 Film by Geert Wilders from 2008. Many people argued prior to the screening of the film that this had to be prohibited by the government. See Theo Koelé, “Kabinet moet Fitna verbieden”, in *De Volkskrant*, 26 March 2008. European heads of state took up positions on the film without having seen it: Petra de Koning, “Eu-landen wijzen ‘fitna’ af”, in *NRC Handelsblad*, 29 March 2008. The term “fitna” means disorder: see Gilles Kepel, *Fitna: Guerre au coeur de l'islam* (Paris: Gallimard, 2004).

38 This is only a fragment of a film posted on the internet. It caused great turmoil and was, allegedly, the cause of the death of the American ambassador in Libya, Chris Stevens. See Tom Herrenberg, “Politici, de vrijheid van meningsuiting en Innocence of Muslims”, in *Nederlands Juristenblad*, 24 September 2013, 2255–2259. See also Tom Herrenberg, “Denouncing Divinity: Blasphemy, Human Rights, and the Struggle of Political Leaders to defend Freedom of Speech in the Case of Innocence of Muslims”, in *Ancilla Iuris* (2015), 1-19.

There is a figure in the film, Samira, who even says: “This isn’t a Muslim country. These people pervert Islam. They use Islam. They scare people to death with their barbarous illegal punishments. That is not the way with Islam. A woman is nobody’s property in Islam. There is no veil in Islam.”

That brings us to the question, of course, what is Islam? How do you establish what belongs to a religion and what does not? Do we have to look in the Quran to find the prescribed punishment for adultery? Do we have to listen to the ulema and how they interpret these verses? Do we have to look at the stories about the Prophet? Or do we have to consult sharia law?³⁹

The most central question, perhaps, is: “Is there room for interpretation?”⁴⁰ Is it perhaps—partly or wholly—“up to us” what we want to see as the essence of Islam? Can you say, if you do not like a certain practice, “This has nothing to do with Islam”?⁴¹

This is what Samira does in the film. She is quite insistent on this. She says: “The way they applied the law in that girl’s case has nothing to do with Islam.” If you take this comment seriously it may be possible to say that the Saudi government is *not* an Islamic government. And this is, indeed, the conclusion Samira draws. She says: “This autocratic regime has nothing to do with Islamic thought, feeling or ideology. Islam is democratic. There are no kings in Islam. The Quran says that the leaders must be elected by the people and that the people have the right to criticise them.” Samira speaks of a movement that ought to bring Saudi society back to Islam. She speculates that the murdered princess could be part of a movement because many believe she was caught on purpose. She fled disguised as a man instead of

39 Nuh Ha Mim Keller, *Reliance of the Traveller* (rev. edn, The Classic Manual of Islamic Sacred Law ‘Umdat al-Salik by Ahmad ibn Naqib al-Misri (d. 769–1368) in Arabic with Facing English Text, Commentary, and Appendices (ed. and trans. Nuh Ha Mim Keller, Beltsville, Md.: Amana Publications, 1994 (1991)). See on sharia also Bassam Tibi, *Political Islam, World Politics and Europe: Democratic Peace and Euro-Islam versus Global Jihad* (London/New York: Routledge, 2008).

40 According to some authors there is much leeway for interpretation. See, e.g., Abdullahi An-Na’im, *Islam and the Secular State: Negotiating the Future of Shari’a* (Cambridge, Mass./London: Harvard University Press, 2008); Irshad Manji, *The Trouble with Islam: A Muslim’s Call for Reform in Her Faith* (New York: St. Martin’s Press, 2003).

41 See on this A.C. Grayling, *Against all Gods: Six Polemics on Religion and an Essay on Kindness* (London: Oberon Books, 2007); A.C. Grayling, *To Set Prometheus Free: Essays on Religion, Reason and Humanity* (London: Oberon Masters, 2009); A.C. Grayling, *The God Argument: The Case against Religion and for Humanism* (London: Bloomsbury, 2013).

wearing a fully covering veil, which would have made her unrecognisable, so that she probably would have been able to escape successfully.

This statement (namely that certain deplorable practices, such as terrorist attacks, have nothing to do with Islam) has often been made by Western governments. Terrorism and extremism have nothing to do with Islam, according to Obama or Cameron.⁴² It is a puzzling contention. Would it not come closer to the truth to say that it does not have *everything* to do with Islam but that at the same time it is also difficult to maintain that Islamism (as a politico-religious ideology)⁴³ has *nothing* to do with Islam (as a religion)?⁴⁴ It cannot be denied, in any case, that certain practices are based on Islamic writings, so it certainly has *something* to do with Islam. What kind of Islam, is perhaps more difficult to determine. The fact that it concerns an interpretation of Islam that is denied by a large number of other Muslims should be clear, just as that it is only a small number that have hijacked the religion.⁴⁵ But it remains a troubling factor that certain passages from the Quran are cited time and again. And not texts that advocate human rights, but the so-called sword verses.⁴⁶ Nevertheless, after the attack on *Charlie Hebdo*, Muslims worldwide expressed their disapproval.⁴⁷ This assault might not be due to Islam, but to a fundamentalist view of Islam. In the case of *Death of a Princess*, the execution was based on a violation of the Saudi government's interpretation of Islamic law, based on the Quran and the traditions of the Prophet.

42 "Het zijn geen moslims, maar monsters. Britse premier zegt dat IS moet worden vernietigd, Arabische landen willen VS helpen bombarderen," in *De Volkskrant* 15 September 2014.

43 See for the distinction between Islam and Islamism: Bassam Tibi, *Islamism and Islam* (New Haven, CT/London: Yale University Press, 2012); Bassam Tibi, *Political Islam, World Politics and Europe: Democratic Peace and Euro-Islam versus Global Jihad* (London/New York: Routledge, 2008).

44 There is a recent criticism of Islam that holds that it is not a "religion" but should be considered a political ideology. See for this Geert Wilders, "Defending the West from Cultural Relativism and Jihad", Annual Lecture of the Magna Carta Foundation in Rome, 25 March 2011, in *American Thinker*, 26 March 2011; Geert Wilders, *Marked for Death: Islam's War Against the West and Me* (Washington, DC: Regnery Publishing, Inc., 2012).

45 Paul Cliteur, "Vrijheid van Expressie na Charlie", in *Nederlands Juristenblad*, afl. 5, 6 February 2015.

46 This point is well made by Bahis Sedq, *The Quran Speaks* (Indianapolis, Ind.: Dog Ear Publishing, 2013); Sam Harris, *The End of Faith: Religion, Terror, and the Future of Reason* (London: The Free Press, 2005 (2004)); Graeme Wood, "What is the Islamic State?", in *The Atlantic*, March 2015, 79-94; Graeme Wood, "What ISIS Really Wants: The Response", in *The Atlantic*, 24 February 2015.

47 "Muslims Around The World Condemn Charlie Hebdo Attack", in *The Huffington Post*, 7 January 2015.

In 2005, twenty-five years after the first broadcast, the maker of the film, Antony Thomas, looked back. His idea was that the film was still topical. *Small wonder*, one might say; he was the maker. But he indicated that others also subscribed to this point of view. Ali Al-Samed, a Saudi activist, indicated that the position of women had not significantly changed since 1980, when the film was first aired. Then, women were veiled, as they are now. Then, women lived segregated from men, as they do now. Then, women were not allowed to drive cars; they are still not allowed to do so now. Then, women did not have the right to vote; and they cannot vote now. Then, women did not have a free choice in marriage; and they do not have it now. Then, people were beheaded for blasphemy, adultery, apostasy and similar penal offences, as they are now.⁴⁸ Beheadings are noted and discussed today in Western media, but this is not because they are new, but because now it is also Americans and British that are beheaded.⁴⁹ But what is the difference between beheading a princess in 1980 and doing the same with James Foley in 2014?

The bases on which these atrocities take place (the basis in worldview, ideology, legal code) are more similar than they may seem. In all these cases it is about blasphemy, apostasy, adultery, insubordination. In a political order where state and religion are intricately interwoven, every criticism of the political leadership is at the same time a form of blasphemy, with all the consequences connected to that status.⁵⁰ Our case of the Saudi princess is also a form of blasphemy because adultery is against Islamic law. Committing it is thus a criticism of the political leadership.

The most recent case of Saudi suppression of free speech is the incarceration of the Saudi blogger Raif Badawi (b. 1984).⁵¹ In a series of blogs

48 See on this Michiel Hegener, *Vrijheid van godsdienst* (Amsterdam/Antwerp: Uitgeverij Contact, 2005); M. Hegener, "Vrijheid van godsdienst: afschaffen of beschermen?", in H.M.A.E. van Ooijen, L.F. van Egmond, Q.A.M. Eijkman, F. Olujic, O.P.G. Vos. (eds.), *Godsdienstvrijheid: afschaffen of beschermen?* (Leiden: Stichting NJCM-Boekerij, Nr. 46, 2008), 109–119.

49 Some change in that process occurred after the murder of Lee Rigby in London. See Tony Blair, "The ideology behind Lee Rigby's murder is profound and dangerous. We must take on this extremism", in *Mail on Sunday*, 2 June 2013.

50 This is documented in Paul Marshall and Nina Shea, *Silenced: How Apostasy and Blasphemy Codes are Choking Freedom Worldwide* (Oxford: Oxford University Press, 2011).

51 "Lash and jail for Saudi web activist Raef Badawi", in *BBC News Middle East*, 30 July 2013.

he criticised theocracy and lack of freedom of thought in his home country, while advocating freethought, liberalism and secularism. After 2012 he was incarcerated by the regime and sentenced to 1,000 public whippings. On 9 January 2015, he received the first fifty of these lashes, but at the moment of writing a worldwide campaign is being conducted to effect his release. A selection of his blogs has been translated into German.⁵²

ATTEMPTS TO BAN “DEATH OF A PRINCESS” IN THE UNITED KINGDOM AND THE UNITED STATES

Now let us go back to the film, and more specifically the way it was received in Western countries. One might expect those countries to protect fundamental rights and confront Saudi Arabia with the violations of human rights addressed in the film. But did this happen?

On 9 April 1980, *Death of a Princess* was shown in Great Britain by ATV (Associated Television).⁵³ Only two days later, on 11 April, the Saudi Embassy in London released a statement declaring the film an attack on the religion of Islam and on the way of life of Saudi Arabia.⁵⁴ During the weeks following the broadcasting of the film, Saudi Arabia continuously put pressure on the British government.⁵⁵ Although initially no steps were undertaken to smooth over the tensions between the two countries, Lord Carrington, the foreign secretary, eventually apologised publicly for the “deeply offensive” film and said he “wished it had never been shown.”⁵⁶

In the United States there seemed to be little commotion about the screening of the film at first. The Public Broadcasting Service stated on

52 Badawi, Raif, *1000 Peitschenhiebe weil ich sage, was ich denke*, Aus dem Arabischen von Sandra Hetzl, (Berlin: Ullstein, 2015).

53 R.D. Hershey Jr., “Film about Executed Princess Upsets British-Saudi Relations”, in *New York Times*, 11 April 1980.

54 “‘Death of a Princess’, Drama-Documentary on Saudi Execution Which Provoked an International Incident, to Air on Public Television’s ‘World’ May 12”, Press Release, Public Broadcasting Service, 11 April 1980.

55 “Regret Voiced for Saudi Film,” Facts on File World News Digest, 30 May 1980, 407 A3; “Concorde: Fast and Beautiful – But Costing a Bundle,” in *The Christian Science Monitor*, 21 May 1980, 5.

56 “Regret Voiced for Saudi Film,” Facts on File World News Digest, 30 May 1980, 407 A3.

11 April that the film would be shown in the United States.⁵⁷ However, four days before the film was about to be broadcast, Mobil Oil Company protested against it. On 8 May 1980, it placed an advertisement in the *New York Times*, questioning Thomas's artistic integrity. The advertisement suggested that freedom of speech was being abused for fiction presented as reality. As part of an oil producing partnership, Mobil Oil had a substantial interest in preserving a good relationship with Saudi Arabia.⁵⁸ But Mobil Oil was also important to PBS for another reason: it was a financier of other kinds of programming. On 9 May the American Secretary of State sent a letter to the PBS president Lawrence Gosman, expressing his concerns about the possible consequences of the screening of the film.⁵⁹ He emphasised that the government was not trying to exercise any type of censorship, but was simply expressing its concerns about the situation. He stressed the government's trust in the organisation to make an appropriate decision on whether to broadcast the film or not. He also included a letter he had received from the Kingdom of Saudi Arabia in which it opposed the film's broadcast. One could ask if this is not an implicit form of censorship, due to the fact that the Secretary of State acknowledged the objections of the Saudis and subsequently stressed PBS's responsibility to make an appropriate decision. Ultimately PBS decided to broadcast the film, in spite of the letter and public protests.⁶⁰ However, not all stations resisted the pressure, and expressions of concern were also heard. A substantial number of PBS stations delayed or cancelled the broadcast.

In the Netherlands there was also a commotion about the film. In 1980, at the moment the film was launched, the Netherlands were governed by the first Van Agt Cabinet (from 19 December 1977 to 11 September 1981). Dries van Agt was the Prime Minister, and Hans Wiegel, who was also Minister of Internal Affairs, was the Deputy Prime Minister. Two other important players were Neelie Smit-Kroes, Secretary of State for Transport, Public Works and Water Management and Til Gardeniers-Berendsen, Minister for

57 "‘Death of a Princess’, Drama-Documentary on Saudi Execution Which Provoked an International Incident, to Air on Public Television’s ‘World’ May 12”, Press Release, Public Broadcasting Service, 11 April 1980.

58 C. Gerald Fraser, “Mobil Asks PBS to Reconsider Showing Film About Saudi Princess”, in *New York Times*, 9 May 1980, A 10.

59 “Text of Letters on Disputed Film”, in *New York Times*, 9 May 1980, A 10.

60 William A. Henry III., “Apologies PBS Style,” in *The New Republic*, 24 May 1980, 6.

Culture, Recreation and Social Work (Cultuur, Recreatie en Maatschappelijk Werk).

Bert van den Braak, from the Parliamentary Documentation Centre of Leiden University, writes that Minister Gardeniers and Deputy Prime Minister Wiegel stressed the negative consequences, both political and economic, connected to the airing of the film, and therefore advised against broadcasting it. There was also some pressure from the private sector.

The Dutch Broadcasting Foundation (NOS) did not succumb to this pressure, as we will see in the following paragraphs, and the film was aired on 16 April 1980. State Secretary Kroes tried to explain the attitude of the Dutch approach in Riyadh.⁶¹

THE DUTCH CONTROVERSY

Did Ministers Wiegel and Gardeniers indeed try to stop the film from being broadcast while it was their moral duty not to interfere? According to Reinier de Winter, Erik Jurgens, the chairman of the NOS, did not yield to the pressure exerted by the Dutch cabinet.⁶²

The Dutch Christian newspaper *Reformatorisch Dagblad* quoted State Secretary Kroes, sharing her own view of what had happened. According to her own testimony she was not a proponent of censuring the film, but at the same time she did not present herself as a hell-raising defender of human rights either. She said: “It was a happy coincidence that I happened to be in Saudi Arabia, because that made it possible for me to do some damage control.”⁶³ Although she does not spell out what “damage” she has in mind, it is clear from the context that it is only commercial interests she is thinking of. By “damage,” she does not mean the damage that occurs when leading politicians fail to uphold the principles upon which the post-war international legal and political order is built. Nor does she use “damage” to

61 See also Reinier de Winter, “Globalisering: de ‘margin of appreciation’ in spiegelbeeld? Vrijheid van meningsuiting versus vrijheid van godsdienst in de Deense cartoonaffaire”, in T. Barkhuysen, M.L. van Emmerik and J.P. Loof (eds), *Geschakeld recht: verdere studies over Europese grondrechten ter gelegenheid van de 70^{ste} verjaardag van prof. Mr. E.A. Alkema* (Deventer: Kluwer, 2009), 551–565.

62 Ibid., 563.

63 “Smit-Kroes zet zichzelf pluim op hoed”, in *Reformatorisch Dagblad*, 24 April 1980: “Het is voor Nederland bijzonder gelukkig geweest, dat ik toevallig in Saoedi-Arabië zat, want daardoor kon ik de schade ter plaatse zoveel mogelijk beperken”.

refer to the impression that arises when leading politicians do not address the moral quandary of ignoring the execution of a young woman for no other reason than her love for someone of her age. The problem is that if you do think these principles are important, the intervention by the State Secretary for Traffic and Water Management did not “control” anything. On the contrary, her interventions must have reinforced the impression that European politicians in a liberal nation-state do not believe in their own professed principles. In her rendering of the situation, the State Secretary insinuates that the Dutch people should be very grateful that she was in the right place at the right time to cool the situation. But would it not have been better if State Secretary Kroes had, from the first moment, made it crystal clear that the Dutch government would under no circumstances be willing to negotiate on the principle of freedom of the press and would never consider government censorship?

The Secretary of State also stressed that she had not acted on her own behalf in Saudi Arabia. She had had contact with Deputy Prime Minister Wiegel. “I even once contacted him at his mother-in-law’s house.”⁶⁴ According to Kroes, the Saudis were particularly annoyed because the “religious feelings of the royal house were offended.”

This is a somewhat strange commentary that does not address the problem the whole controversy was about: the *death of a young woman, brutally murdered because she did not comply with the wishes of the patriarchic class around her*. It was not the atrocious execution, but the feelings of the royal family, their “religious feelings” in particular, that were apparently the subject of the conversation between the State Secretary and the Saudi government. The fact that the Saudi royal family wanted to frame this event as something that had to do with honour and religious feelings is quite understandable, but what is more difficult to understand is that the Dutch State Secretary did not address the issue of killing a young woman for an “offence” that, under normal circumstances, cannot be characterised as anything other than the exertion of an elementary human right. In her report of the talks she had with the Saudis she never mentions even coming close to addressing this issue. She only said to the Saudis that she could not forbid the airing of the film. When Kroes arrived in the Netherlands, she was unpleasantly struck by

64 “Die heb ik zelfs eenmaal thuis bij zijn schoonmoeder gebeld”.

the fact that the media reported that she had frustrated freedom of speech. This was not the case, Kroes said.⁶⁵

According to her own view of the situation, Kroes had (1) limited the damage; and (2) not said or done anything that violated free speech. If that had been the case, it would have been no small accomplishment. But is it likely?

The airing of the film was also briefly discussed in the Senate, but much later (4 June 1980) and, more relevantly, a discussion ensued about the improper pressure that had allegedly been exerted by the Dutch Government to prevent the Dutch Broadcasting Foundation from screening the film.⁶⁶ Those who took the governmental point of view stressed that the government had done nothing more than notify the NOS about the possible consequences broadcasting the film could have.

A similar occurrence several years later is interesting in this context. On 23 February 1987, then Acting Minister of Foreign Affairs Hans van den Broek (b. 1936), made a phone call to the NOS that was aired on live TV. Van den Broek called the Dutch anchorman Paul Witteman (b. 1946) just before a controversial item about the religious leader of Iran at the time, Ayatollah Khomeini, was to be broadcast. The clip, a spoof about Khomeini, was originally created in Germany (and had been broadcast on German television eight days earlier) by show master and comedian Rudi Carrell (1934–2006), and there it had caused a lot of commotion.⁶⁷ In his own words, the Dutch minister had “imposed nothing” during his call, but had simply indicated the possible consequences of the airing of the segment. He left the decision on whether or not to broadcast it to the journalist (or the broadcast corporation).⁶⁸ In both cases (*Death of a Princess* and the showing of this Khomeini spoof) the government, as well as the minister involved, neglected to acknowledge the influence they had by pronouncing such things in their capacity as ministers. When the government proclaimed its

65 “En dan kom je terug en dan wekt men hier de indruk, dat je met de vrijheid van meningsuiting de vloer aanveegt. Dat is niet gebeurd”.

66 Parl. Doc., Senate., 4 June 1980, 875.

67 See on this Paul Cliteur, Tom Herrenberg and Bastiaan Rijpkema, “The New Censorship: A Case Study of Extrajudicial Restraints on Free Speech”, in Afshin Ellian and Gelijn Molier (eds), *Freedom of Speech under Attack* (The Hague: Eleven, International Publishing, 2015), 291–318; Paul Cliteur, “The Rudi Carrell Affair and its Significance for the Tension between Theoterrorism and Religious Satire”, in *Ancilla Iuris* 15 (2013) 15–41, full text available at: http://www.anci.ch/paul_cliteur.

68 Parl. Doc., House of Rep. 1986/1987, 19 700, ch. V, nr. 79, 1–3.

opinions on the broadcasting of *Death of a Princess* (that is, not to broadcast it), pointing out the possible dangers and threats the film might provoke, it no longer seemed like a mere notification; it looked more like a pressing request, which could be interpreted as a form of censorship. It is rather hypocritical or, to put it more mildly, naïve to pretend that when a member of the government makes a live phone call to a television station, this can be seen as merely a contribution to an ongoing discussion in the same way that ordinary citizens participate in a public debate.

In 1980, the Cabinet Van Agt I, and subsequently Minister Van den Broek in 1987, did set some dangerous precedents for affairs that would arise later. It is a somewhat disquieting idea that dictatorships like Saudi Arabia and Iran managed to ride the moral high ground while leading Dutch politicians grovelled in the dirt and failed to address the human rights issues that were so evident in these cases.

QUESTIONS BY MP ROETHOF

Although there was no official debate in the Lower Chamber of Parliament on *Death of a Princess*, the Labour MP Hein Roethof (1921–1996) formulated some questions, trying to assess whether the government had tried to influence the broadcast corporation in its decision to air the film or cancel it.⁶⁹

Is it true, Roethof wanted to know, that on 12 April 1980, when she was in Saudi Arabia, the State Secretary for Transport and Water Management (*Staatssecretaris van Verkeer en Waterstaat*) had tried to take steps to cancel the documentary?⁷⁰ The government did not deny that it had tried to seek a cancellation of the film, but “only on the basis of conviction.” Members of the Cabinet had also been in contact with Erik Jurgens, the chair of the NOS, but only to discuss the possible consequences of the film’s broadcast. It was clear to the government that the final decision to air or cancel the film was up to the broadcasting corporation and not the government. But it was the responsibility of the government to inform the broadcasting corporation of

69 H. Roethof, “Vragen van het lid Roethof over uitzending van een film door de NOS over Saoedi-Arabië”, Ingezonden 14 April 1980, in Parl. Doc., House of Rep. 1979/1980, Attachment.

70 Ibid., 1917.

the possible consequences for Dutch/Saudi relations and the impact on the Dutch economy, the government argued.⁷¹

Roethof also commented: “If the Saudi government has legitimate complaints about the film, complaints that I do not have any information about, I would like to know them.”

This was a smart move, of course, because for a government in a democracy it is somewhat embarrassing to have to concede that the members of the Cabinet seriously considered frustrating the airing of a film on a violation of human rights as atrocious as the execution of the princess and her lover. No decent government will do this gladly. What they tried to do instead (and this was also the course of action the American Secretary of State chose, as we saw in the preceding paragraphs) is *insinuate* that cancelling the film might not be such a bad idea, while at the same time emphasising that the final decision on this delicate matter was the “responsibility” of the broadcasting corporation. And of course they hoped for a minimum of publicity, to avoid a moral outcry from the public. This strategy, though, did not work.

Roethof also formulated some ideas about what was and was not legitimate in cases such as the one then under scrutiny. He said that the role of the government could indeed be to provide factual information to the NOS, but that if the government were to try to exert force or pressure, it would be on the wrong track.⁷²

It is an interesting suggestion. We may question, though, whether a government can ever perform the task of presenting information about foreign pressure, but in the capacity of a neutral bystander. Is that realistic? If the government were to share knowledge of foreign sources of pressure (as the Minister of Foreign Affairs did explicitly in 1987 and the members of Cabinet Van Agt I did more implicitly), it would be natural for the broadcasting corporation to become suspicious (as would every other private actor) about the vital question of whether it could rely on the support of its national government in times of crisis. This is essential, especially when there is also a security risk involved (as there was in the Iranian case, as the minister suggested in his conversation with the journalist).

So both 1980 (*Death of a Princess*) and 1987 (the Rudi Carrell Affair) set some dangerous precedents of giving in to undue influence on the part of dubious governments.

⁷¹ Ibid.

⁷² Roethof quoted in: *Algemeen Dagblad*, 14 April 1980.

An unusually straightforward condemnation of the Saudi attempt to stifle free speech came from another socialist: André Kloos (1922–1989). Kloos was the chairman of the VARA (a socialist broadcasting corporation) who said that we, the Dutch, should ask for more understanding from the Saudis for “the system we all defend.” He also pointed out what the long-term consequences would be if the Dutch complied with the Saudis’ demands. Would the consequence not be that we could only make films about countries with which we had no commercial ties?⁷³

WHAT TO DO WITH FREEDOM OF SPEECH IN A MULTICULTURAL INFORMATION SOCIETY?

Commercial interests played an important part in the Dutch discussion, not least because this is a classic issue in the division between left and right. We should not forget that the Cabinet Van Agt I was a right-wing government and the socialists were in opposition. So this was a discussion not only about moral matters, but about party politics as well. Also, the left could afford to be on the “immaterial side” of the discussion, while the right had to defend business interests. At least that is what they thought they had to do. Nevertheless, this is always a difficult matter to be honest about.

Two MPs from the liberal party VVD, De Korte and Blaauw, who supported the government in its lack of enthusiasm for airing *Death of a Princess* on Dutch television, tried to explain their motives in the Dutch daily newspaper *Trouw*.⁷⁴ It was a prejudice against their party, Blaauw complained, that liberals were always motivated by commercial considerations. This was not the case. What had motivated him, said Blaauw, was the idea that the film might be seen as offensive to the feelings of Muslims. He had gathered from the reactions to the film in England that this was indeed the case. Blaauw also claimed to have had long conversations with representatives of Muslim groups in the Netherlands.

This did not make much of an impression on the journalists from *Trouw*. De Korte and Blaauw were mocked in *Trouw* because, so the journalists contended, this was the *first time* the VVD seemed to be receptive to

73 Kloos quoted in *Trouw*, 17 April 1980.

74 “NOS wil film toch uitzenden”, in *Trouw*, 16 April 1980; Theo Koelé, “Dood van een handelsreiziger”, in *Trouw*, 15 April 1980.

complaints from ethnic and religious minorities. Were they absolutely sure that it was not the oil that explained their interest in the film?

Whatever may be the answer to that last question one thing is clear, namely the matter that the liberal MPs Blaauw and De Korte introduced to the discussion would play a huge role in all the great discussions that, in 1980, were still ahead of us. In all the later discussions (the Rushdie Affair,⁷⁵ the Cartoon Affair,⁷⁶ the Rudi Carrell Affair,⁷⁷ *Charlie Hebdo* Affair,⁷⁸ etc.), time and again it was argued that freedom of speech is fine, but that we have to protect vulnerable minorities from offensive views that are common in Western societies.⁷⁹

Should not freedom of speech be recalibrated in a world dominated by a continuous flow of information, ideas and opinions? In a world where cultural differences perhaps cannot be bridged, is there something to be said for more respect for these differences, which would consequently require further limitations on the right to freedom of speech?

Characteristic of our modern societies is a continuous digitalisation and the development of a visual world in which words and images are universally distributed in a fraction of a second. If people always agreed with one another, there would be no legal codes or conflicts. Obviously, this is not the case. People *have* different opinions, and all these opinions and ideas unceasingly clash and, in the worst case, clash with the use of violence as a consequence. On the one hand, there may be something to say for taking a step back. Perhaps one should take the feelings of others into account more and be more careful when expressing criticism. On the other hand, it is the expression of criticism that keeps a democracy alive.

Critical reflection is essential for a democracy. It is therefore troubling that this, although recognised in the founding documents of Europe and the case law of the European Court of Human Rights, is forgotten by European

75 Paul Cliteur, “Van Rushdie tot Jones: over geweld en uitsingsvrijheid”, in Afshin Ellian, Gelijs Molier and Tom Zwart (eds), *Mag ik dit zeggen? Beschouwingen over de vrijheid van meningsuiting* (The Hague: Boom Juridische Uitgevers, 2011), 67-89.

76 Oring, Elliott, “The Muhammad cartoon affair”, in *Humor*, 21-1 (2008) 21-26.

77 Paul Cliteur, “The Rudi Carrell Affair and its Significance for the Tension between Theoterrorism and Religious Satire”, in *Ancilla Iuris* 15 (2013) 15-41, full text available at: http://www.anci.ch/paul_cliteur.

78 Charb, *Lettre aux escrocs de l'islamophobie qui font le jeu des racistes* (Paris: Les Échappés, 2015).

79 This is a central topic in Charb, *Lettre aux escrocs de l'islamophobie qui font le jeu des racistes* (Paris: Les Échappés, 2015). See also chapter 9 in this volume, on free speech and multiculturalism.

governments in the cases analysed in this chapter. Living in a democracy means living with the pain you suffer from other people's opinions.⁸⁰ There will always be someone who feels offended by, or disagrees with, other opinions. Therefore, limiting freedom of speech on this ground is pointless. On the contrary, it might even be better to reinforce this freedom. It is important to realise that when a government questions the broadcasting of a film and stresses the possible extraterritorial consequences (without even paying attention to the content of the film), it is exposed as being susceptible to foreign threats (in this case from Saudi Arabia, but it could also be from North Korea, or any other country, as is inherent in the criticism of André Kloos, quoted above). Instead of upholding and defending the values European governments have enshrined in their human rights treaties and constitutions, they give in to the unreasonable demands of dictatorships. In the long run this attitude may prove suicidal, and democratic governments should perhaps do some soul searching on how to uphold democratic values in the future. Despite all the uncertainties in this world we may say that, although *Death of a Princess* may have been one of the first instances of a certain type of moral and political conflict, it was certainly not the last. And governments may have much to gain from carefully studying these conflicts, in both a historical and a transnational perspective.

80 "Vrijheid is er ook voor Wilders," in *De Volkskrant*, 31 January 2015.